

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

FRANKIE LEVI COLE, et al.,)	
)	
Plaintiffs,)	4:06cv3314
)	
vs.)	MEMORANDUM AND ORDER
)	
MARK A. WARE, et al.,)	
)	
Defendants.)	

This matter is before the court on the complaint in this action filed by 34 plaintiffs, all of whom are prisoners. Only 8 of the named plaintiffs have filed Motions to Proceed In Forma Pauperis ("IFP"), and no plaintiff has paid the court's \$350 filing fee.

In 2005, in light of decisions by several U.S. Circuit Courts of Appeal, this court stopped allowing prisoners who join together in a single civil lawsuit to apportion the court's filing fee among them. The rule in this District now is that each prisoner in a multi-plaintiff case must pay the full \$350 filing fee in its entirety. Any prisoner plaintiff who receives leave to proceed IFP will simply pay the filing fee in installments while incarcerated.

Because of the change in the court's policy, the absence of 26 IFP applications in this case, and the likelihood that the plaintiffs may be confused about the cost of this litigation, the entry of Prisoner Payment Orders will be deferred until February 9, 2007, by which date the following actions shall have been taken.

1. Motion to Withdraw: Mr. Cole, Mr. McSwine, Mr. Cash, Mr. Patterson, Mr. Crawford, Mr. Anderson, Mr. Bringus, and Mr. Buggs have filed IFP motions. If any of those plaintiffs wishes to withdraw from this case, he may file a Motion to Withdraw by February 9, 2007.

2. Motion to Proceed IFP: No other plaintiff has moved to proceed IFP or has paid the court's filing fee. Any plaintiff (other than those listed in # 1 above) who wishes to proceed as part of this case must file a **signed** Motion to Proceed IFP on his own behalf by February 9, 2007. The court can provide any number of IFP application forms free of charge in response to a letter or telephone call.

After February 9, 2007, a Prisoner Payment Order will be entered for any of the following persons who have not by then filed a Motion to Withdraw: Mr. Cole, Mr. McSwine, Mr. Cash, Mr. Patterson, Mr. Crawford, Mr. Anderson, Mr. Bringus, and Mr. Buggs. The entry of a Prisoner Payment Order will fix each plaintiff's liability for the \$350 filing fee, and the case will proceed from there. Any other plaintiff who has filed a Motion to Proceed IFP or who has paid the \$350 filing fee by February 9, 2007, will also be included among the plaintiffs in this action. All others who have not responded by that date will be terminated from the above-entitled case.

SO ORDERED.

DATED this 10th day of January, 2007.

BY THE COURT:

s/Laurie Smith Camp
United States District Judge